

3728. Misbranding of Seconal Sodium capsules and methyltestosterone tablets. U. S. v. John Homer Harrison and Joel Reibstein. Pleas of guilty. Fine of \$100 against John Homer Harrison and \$75 against Joel Reibstein, together with costs. (F. D. C. No. 31288. Sample Nos. 70432-K, 70512-K, 70513-K, 70702-K, 70703-K, 89785-K, 90016-K.)

INFORMATION FILED: January 28, 1952, District of Kansas, against John Homer Harrison and Joel Reibstein, pharmacists and comanagers of the Jayhawk Drug Store, Topeka, Kans.

INTERSTATE SHIPMENT: On or about August 31 and October 10 and 23, 1950, from the States of New Jersey and Missouri into the State of Kansas, of quantities of *Seconal Sodium capsules* and *methyltestosterone tablets*.

ALLEGED VIOLATION: On November 6, 9, 14, 20, and 29, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendants caused various quantities of the drugs to be repacked and sold without a physician's prescription, which acts resulted in the drugs being misbranded.

John Homer Harrison was charged with making the sales involved in 4 of the counts, and Joel Reibstein was charged with making the sales involved in the remaining 3 counts.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (d), the *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the repackaged capsules bore no label containing the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (1), the label of the repackaged *methyltestosterone tablets* failed to bear the common or usual name of the drug; and, Section 502 (b) (1), a portion of the repackaged *methyltestosterone tablets* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

DISPOSITION: February 11, 1952. Pleas of guilty having been entered, the court imposed a fine of \$100 against John Homer Harrison and a fine of \$75 against Joel Reibstein, together with costs.

3729. Misbranding of Tuinal capsules and Benzedrine Sulfate tablets. U. S. v. Grover Stanton and Joseph F. Ernst (Gus B. Grover & Co.). Pleas of nolo contendere. Fine of \$50 against each defendant. (F. D. C. No. 29438. Sample Nos. 51935-K, 51936-K, 54004-K, 54031-K, 54032-K.)

INDICTMENT RETURNED: January 4, 1951, Southern District of Mississippi, against Grover Stanton and Joseph F. Ernst, copartners in a partnership trading as Gus B. Grover & Co., Natchez, Miss.

ALLEGED VIOLATION: On or about June 20 and August 12, 1949, the defendants caused a number of *Tuinal capsules* and *Benzedrine Sulfate tablets* which were misbranded to be introduced and delivered for introduction into interstate commerce, at Natchez, Miss., for delivery into the State of Ohio.

On or about September 28, 1949, while a number of the *Tuinal capsules* and *Benzedrine Sulfate tablets* were being held for sale at the store of Gus B. Grover & Co., Natchez, Miss., after shipment in interstate commerce, the de-

defendants caused a quantity of these tablets and capsules to be repacked and disposed of without a physician's prescription, which acts resulted in the drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the labels of the repackaged drugs bore no statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (d), the *Tuinal capsules* contained chemical derivatives of barbituric acid, which derivatives have been found to be, and by regulations designated as, habit forming; and their labels failed to bear the name, and quantity or proportion of such derivatives and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (b) (1), the label of a portion of the *Benzedrine Sulfate tablets* failed to bear the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (e) (1), all lots of the *Benzedrine Sulfate tablets* failed to bear labels containing the common or usual name of the tablets.

DISPOSITION: November 20, 1951. Pleas of nolo contendere having been entered, the court imposed a fine of \$50 against each defendant.

DRUGS ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

3730. Adulteration and misbranding of sulfathiazole and Sulmet. U. S. v. 4 Drums, etc. (F. D. C. No. 32044. Sample Nos. 30418-L, 30419-L.)

LIBEL FILED: November 23, 1951, District of Oregon.

ALLEGED SHIPMENT: On or about July 6, 1951, from New York, N. Y.

PRODUCT: 4 30-pound drums of *sulfathiazole* and 196 1-gallon jars of *Sulmet* at Portland, Oreg.

RESULTS OF INVESTIGATION: Investigation revealed that the products had been immersed in flood waters and that the labels had been obliterated.

NATURE OF CHARGE: Adulteration, Section 501 (a) (2), the articles had been held under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Sections 502 (b) (1) and (2), the articles failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 502 (e) (1), the labels of the articles failed to bear the common or usual name of the drugs.

DISPOSITION: February 11, 1952. Default decree of condemnation and destruction.

3731. Adulteration of psyllium husks (Plantago). U. S. v. 33 Bags * * *. (F. D. C. No. 32229. Sample No. 37199-L.)

LIBEL FILED: December 13, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about February 13, 1951, from India.

PRODUCT: 33 200-pound bags of *psyllium husks* (Plantago) at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.